IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Bail Appl..No. 1858 of 2007()

CMP.946/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.111/07 OF OTTAPPALAM POLICE STATION

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: PETITIONER

T.K.KUNHIKANNAN,
THEKKUMPARAMBU VEEDU, KAVALAPPARA,
SHORNUR, PALAKKAD DISTRICT.

BY ADV. SRI.C.RAGHAVAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1858 OF 2007 B

Dated this the 28th day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.111/07 of Ottappalam Police Station for offences punishable under Sec.3(a) of the Explosive Substances Act, 1908 and section 286 read with section 34 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The occurrence took place on 4.3.2007 in the midst of the display of fireworks in connection with the festival at Sreekurumba Bhagavathy temple, Chorottur. During the fireworks, one of the items got misdirected and fell among the public causing injuries to some of them. Petitioner is the licensee employed by the Ultsav Committee for the purpose of displaying the fireworks.

4. Having regard to the nature of the allegations levelled against the petitioner and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for

Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. Petitioner shall not commit any offence while on bail.

e. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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